

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

ERNEST SMITH,	)	
	)	
Plaintiff,	)	Civil Case No. 07-1362-ST
	)	
vs.	)	ORDER
	)	
MICHAEL J. ASTRUE,	)	
Commissioner, Social Security	)	
Administration,	)	
	)	
Defendant.	)	
	)	

---

Merrill Schneider  
Schneider Law Offices  
14415 SE Stark  
P.O. Box 16310  
Portland, Oregon 97292

Attorney for Plaintiff

Karin J. Immergut  
United States Attorney  
District of Oregon

Britannia I. Hobbs  
Neil J. Evans  
United States Attorney's Office  
1000 SW Third Avenue, Suite 600  
Portland, Oregon 97204-2902

Michael McGaughran  
Stephanie R. Martz  
Social Security Administration  
Office of the General Counsel  
701 Fifth Avenue, Suite 2900, MS/901  
Seattle, Washington 98104

Attorneys for Defendant

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on September 24, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#28). IT IS HEREBY ORDERED that the decision of the Commissioner is REVERSED and REMANDED for calculation and an award of benefits.

Dated this 21st day of October, 2008.

/s/ Garr M. King  
Garr M. King  
United States District Judge